IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 4929 of 2006
Date of decision : 10.11.2006.

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Parties Name

M/s. Poddar Tyre & Tread and others

..... appellants

vs.

M/s. Poddar Tyres Limited and others

.....Respondents

Coram: Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. Piyush Kant Jain and
Sh. Amit Rawal, Advocates
for the appellants

Sh. Ashok Aggarwal, Senior Advocate
with Sh. Mukul Aggarwal, Advocate for respondent No.1.

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S.N. Aggarwal, J. (Oral)

The submission of the learned counsel for the appellants was that ex parte order has been passed by the learned trial Court on 1.9.2006 by which the appellants have been restrained from using the labels, dies, cartoon boxes, goods bearing the trade mark/trade name 'Poddar Tyre and Rubber' and 'Poddar Tyre and Tread'. Further submits that no reasons have been recorded while passing the ex parte stay order. Further submits that this case is covered by the judgment passed by this Court on 17.7.2006 in FAO No. 2941 of 2006.

The impugned order has been perused. It does suffer from illegality pointed out by the learned counsel for the appellants.

Accordingly, this appeal is accepted and the impugned order dated 1.9.2006 is set aside.

The parties may appear before the Court of learned District Judge, Ludhiana on 23.11.2006. The appellants will complete the pleadings within two weeks from the date of appearance and the learned trial Court shall decide this application within one month thereafter.

Counsel for the appellants shall appear on behalf of Anil Poddar and Anita Poddar (defendants) also in the learned trial Court.

(S.N.Aggarwal)
Judge

10.11.2006.
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